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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,327	10/12/2001	Michael D. Pashley	US010525	9295

7590 10/03/2002

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580 White Plains Road
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EXAMINER	
CARIASO, ALAN B	
ART UNIT	PAPER NUMBER

2875

DATE MAILED: 10/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/976,327

Applicant(s)

PASHLEY ET AL.

Examiner

Alan Cariaso

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.
- 4) Claim(s) 1-19 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4, 6-12 and 19 is/are rejected.
- 7) Claim(s) 5 and 13-18 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Disposition of Claims

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>8</u> .	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: Claim 1, line 6, the terms "to be LED" should instead read as –to the LED--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 2 and 6-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claims 2 and 6-8, the phrases "the LED light engine is controllable to vary intensity" and "the first, second and third color LEDs are separately controllable to allow a variable controlled color point" are indefinite as lacking structure to support their intended function.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3, 4, 9, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over HED (US 5,836,669) in view of TRUTTMANN-BATTIG (US 2002/0051357 A1).

7. HED discloses an illuminated refrigerator/freezer compartment or cabinet (20-figs.2A,2B) equipped with a light source (23) outside the compartment (20-fig.2B), a light guide (34-38) inside the compartment (20,21,22) optically coupled to the light source (23), which by way of this apparatus provides the method of illuminating frozen foods by a light external mounted from the internal compartment or cabinet by having light guide(s) provided inside the compartments and optically coupled to the light source. However, HED does not disclose an LED light engine including a plurality of different colors including first, second, and third colors.

8. TRUTTMANN-BATTIG teaches the use of LEDs or LED light engine (2,3) with a plural colors including first, second and third colors (white, yellow and red (pg.2,paragraph 0021) the purposes of illumination and irradiation of foodstuffs inside the refrigerator devices (pg.1,paragraphs 0005 and 0021). It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to modify the illuminated refrigerator of HED to include a plurality of different color LEDs as taught by TRUTTMANN-BATTIG in order to illuminate and irradiate the foodstuffs internal the storing compartment.

9. Claims 2, 8, 10 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over HED (US 5,836,669) in view of TRUTTMANN-BATTIG (US

2002/0051357 A1) as applied to claims 1, 3, 4, 9, 11 and 12 above, and further in view of KOMIYA (JP2000258052A).

10. HED discloses applicant's invention except the function or method of controllably varying the output intensity of illumination from the LEDs or LED light engine. KOMIYA teaches the use of a central control device or dimmer (15) for the purpose varying the illumination outputs of lamps inside a refrigerated showcase or compartment. It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to modify the illuminated refrigerator of HED to include the type of dimmer or central control device as taught by KOMIYA in order to vary the illumination outputs of the lamps inside the refrigerator.

Allowable Subject Matter

11. Claims 5 and 13-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. Claims 6 and 7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. BOUSFIELD (US 6,210,013) shows a refrigerator compartment

having an internal light guide (fig.7) coupled to an external light source. BUSSAN (US 4,706,169) shows a refrigerator device illuminated by fiber optics or light guides coupled to plural light sources. MUELLER et al (US 6,016,038) shows the use of multiple-colored LEDs with controllable means to vary their respective outputs and used in as a temperature indicator in a storage freezer (col.9,lines 20-21).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Cariaso whose telephone number is (703) 308-1952. The examiner can normally be reached on M-F (9:00-5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.



Alan Cariaso
Primary Examiner
Art Unit 2875

AC
September 30, 2002